

REMARKS

Claims 1, 12, 21, 24, 25-26, and 28 have been amended, and claims 29-34 have been added. As a result, claims 1-34 are pending in the application. Claims 1-7 and 9-28 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Gross* (U.S. Patent Application No. 2003/0026282) and claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Gross is directed to a modem for use in a communications system that avoids the need for voice and data splitters. *Gross*, paragraph 21. *Gross* describes a modem that responds to disruptions associated with “disturbance events,” such as on-hook to off-hook transmissions by rapidly switching between pre-stored channel parameter control sets during communications over the loop under varying conditions. *See Abstract*. [emphasis provided] In addition to changing pre-stored parameter control sets, *Gross* describes a modem that changes transmission power levels. *Id.*

In particular, *Gross* describes performing a “fast train” in response to a disturbance event. *See* paragraph [57]. According to *Gross*, the modem performs a “fast train” in order to characterize communications under the new operating conditions and determine a power level to be used for communications. *Id.* Thus, *Gross* states that the transmission power level is adjusted after the “fast train.” *Id.* Or put another way, the “fast train” is performed so that an appropriate power level may be subsequently be determined. *Gross* does not teach performing a “fast train”

or any other training process in response to adjusting the power level. That is, Gross does not teach or disclose performing the “fast train” (or any other training process) in a low power mode.

In contrast, and as is described in the patent application, one or more embodiments of the present invention are directed to performing training in a low power mode (as opposed to high power mode). *See* page 17, lines 1-7 of the patent application. The patent application highlights one or more advantages of performing training in the low power mode, which may include reducing cross-talk (and thus interference in adjacent lines), conservation of power during the training process, and the like. *Id.* The claims have been amended to clarify this aspect of the invention. The patent application describes various exemplary ways of determining a low power mode, which may include iteratively increasing the transmission power until a successful connection is established or it may include determining a lower power level based on previously stored transmission power levels. *See* page 12, line 11 – page 12, line 6. These inventive aspects of the invention are further captured in new claims 29, 30, 31, 32, and 34. Of course, in other embodiments, other suitable ways of establishing a connection in a low power mode may also be employed.

As discussed below, Gross fails to teach or disclose one or more of the elements of claim 1. Amended claim 1 calls for establishing a communication channel between a first transceiver second transceiver in low power mode, determining a training parameter in response to establishing the communication channel in the low power mode, and performing training in response to determining the training parameter. [emphasis provided]. Thus, according to claim 1, at least one training parameter is determined in response to establishing the communication channel in the lower power mode. Accordingly, unlike Gross, which teaches performing a “fast

train" and then adjusting the power level, claim 1 calls for determining a training parameter in response to establishing the communication channel in the lower power mode. Accordingly for this reason alone, claim 1 and its dependent claims are allowable.

Independent claims 12, 21, and 28, and their respective dependent claims, are allowable for at least the reason presented above.

With respect to new independent claim 33, Gross does not teach or disclose performing training in a low power mode. Thus, for at least this reason, claim 33 and dependent claim 34 are allowable.

Examiner's arguments with respect to dependent claims have been noted. However, in view of the aforementioned arguments, these arguments are moot and therefore not specifically addressed. To the extent that characterizations of the prior art references or Applicant's claimed subject matter are not specifically addressed, it is to be understood that Applicant does not acquiesce to such characterization.

In light of the arguments presented above, Applicant respectfully asserts that claims 1-28 are allowable. In light of the arguments presented above, a Notice of Allowance is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Houston, Texas telephone

number (713) 934-4064 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,



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